REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

Claims 61-87 are pending in the instant application. Applicant appreciates that the objections to claims 63, 72 and 80 for lack of proper antecedent basis have been withdrawn. Claims 61 and 79 are amended herein; support for these amendments can be found in the specification on page 12, line 20 thru page 15, line 16. No new matter has been added.

Summary of Telephone Interview

Applicant thanks the Examiner for the telephone interview of December 11, 2006. In the interview, Examiner Wozniak stated that one difference between the present application and the prior art of Brown et al. (U.S. Patent No. 6,665,666) was the technique used to score or rank the retrieved documents. Examiner Wozniak pointed out that Brown scores documents based on a number of hits. Also during the interview, amendments were discussed, included amending the claims to recite a two stage subdocument evaluation including generating result subdocuments and calculating a score for each result subdocument.

Rejection of Claims 79-82 Under 35 U.S.C. § 102

Claims 79-82 are rejected under 35 U.S.C. § 102(e) as unpatentable over Brown et al., U.S. Patent No. 6,665,666 (hereinafter "Brown"). This rejection should be withdrawn based on the comments and remarks herein.

In the Office Action, the Examiner acknowledges that the presently claimed invention may utilize a different candidate query evaluation algorithm than the one taught by Brown. Brown discloses scoring documents based on a number of hits or occurrences of features from

the query. In contrast, claim 79, as amended herein, recites a two step process of scoring documents by "generating result subdocuments from each result from the information retrieval system, calculating a score for each result using a weighted algorithm to correlate the result subdocuments with the answers in the question phrase-answer pairs, and updating all scores based on a similarity of the results with the answers in the question phrase-answer pairs". Thus Brown does not disclose or suggest each feature recited in independent claim 79 of the current application.

It has been held by the courts that "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As discussed above, Brown discloses only scoring documents based on the number of hits, and therefore does not disclose or suggest the recitations of independent claim 79. Claims 80-82 each depend from independent claim 79. Accordingly, claims 80-82 are patentably distinguishable over the art of record in the application for at least the reasons that independent claim 79 is patentably distinguishable over the art of record. Thus, applicant requests that this rejection be withdrawn.

Rejection of Claims 61-63, 75, 77-78 and 83 Under 35 U.S.C. § 103

Claims 61-63, 75, 77-78 and 83 are rejected under 35 U.S.C. § 103(a) as unpatentable over Brown in view of Kupiec, U.S. Patent No. 5,696,962. This rejection should be withdrawn based on the comments and remarks herein.

As discussed above, Brown does not disclose or suggest "generating result subdocuments from each result from the information retrieval system, calculating a score for each result using a weighted algorithm to correlate the result subdocuments with the answers, and updating all

scores based on a similarity of the results with the answers in the question phrase-answer pairs" as recited in independent claims 61 and 79. Kupiec does not overcome this deficiency. Kupiec neither offers nor is alleged to offer any teaching or suggestion to ameliorate the underlying deficiency of Brown relative to independent claims 61 and 79. This much is implicitly acknowledged by the Office Action mailed February 16, 2006 in that it withdrew rejections based upon Kupiec as the primary reference. Kupiec discloses creating a series of queries based on the user's input and generating an optimal query, and also discloses pointing out to the user the document or documents most likely to contain the answer to the user's question (column 1, line 65 to column 2, line 25). Kupiec does not disclose or suggest calculating a score for each result as recited in independent claims 61 and 79.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, neither Brown nor Kupiec, taking singly or in any combination, teach or suggest all features of independent claims 61 and 79. Therefore, Applicant respectfully submits that claims 61 and 79 are patentably distinguished over the combination of references. Claims 62-63, 75 and 77-78 depend from claim 61, and claim 83 depends from claim 79, each dependent claim incorporating all of the features and limitations of its base claim. Thus claims 62-63, 75, 77-78 and 83 are patentably distinguished over the art of record in the application for at least the reasons that their independent claims are patentably distinguished over the art of record. Thus, applicant requests that this rejection be withdrawn.

Rejection of Claims Under 35 U.S.C. § 103

Claims 64-66 and 68-71 are rejected under 35 U.S.C. § 103 as unpatentable over Brown in view of Kupiec and further in view of Bradford, U.S. Patent No. 6,678,679. Claim 67 is rejected under 35 U.S.C. § 103 as unpatentable over Brown in view of Kupiec, in view of Bradford, and further in view of Robertson et al., "Relevance Weighting of Search Terms" (hereinafter "Robertson"). Claims 72-74 and 84-86 are rejected under 35 U.S.C. § 103 as unpatentable over Brown in view of Kupiec, and further in view of Brewster et al., U.S. Patent No. 6,070,133 (hereinafter "Brewster"). Claim 76 is rejected under 35 U.S.C. § 103 as unpatentable over Brown in view of Kupiec, and further in view of Pedersen, et al., U.S. Patent No. 5,442,778 (hereinafter "Pedersen"). Claim 87 is rejected under 35 U.S.C. § 103 as unpatentable over Brown in view of Kupiec in view of Brewster and Pedersen. These rejections should be withdrawn based on the comments and remarks herein.

Each of claims 62-78 and 80-87 (to the extent not already addressed, *supra*) depend either directly or indirectly from independent claims 61 and 79, respectively. The Bradford, Robertson, Brewester and Pedersen references, taken singly or in any combination with Brown or Kupiec, do not, nor are they alleged to, teach or suggest the features of independent claims 61 and 79 shown above to be lacking from both Brown and Kupiec. These dependent claims are each separately patentably, but are offered as patentable for at least the same reasons as their underlying independent base claims which form a part thereof. Therefore, favorable reconsideration and withdrawal of the all rejections kindly requested.

In the interest of brevity, Applicant has addressed only so much of the rejections as is considered sufficient to demonstrate the patentability of all claims. Applicant's failure to address any part of any of the rejections should not be construed as acquiescence in the propriety of such

portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a further telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,

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